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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,203	05/11/2001	Chien-Fa Wang	3158/OJ344	7920

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,203

Applicant(s)

WANG, CHIEN-FA

Examiner

Jefferey F Harold

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2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16, 18-23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9 and 11-15 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-8, 16, 18-23 and 25 is/are rejected.
- 7) ☒ Claim(s) 2, 5 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1, 3, 4, 8, 16, 18, 21-23 and 25** are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (United States Patent 5,966,436).

Regarding **claim 1**, Kim discloses a redialing method. In addition, Kim discloses a process of phone dialing for a dial device, consisting of the steps of:

checking whether any dial key signal of the dial device is inputted, as disclosed as column 2, lines 39-60;

sequentially storing a plurality of key input signals corresponding to a plurality of dial key signals in memory and inherently storing in sequence the order, which reads on claimed "label value", of the dialed key signal in memory when any dial key signal of the dial device is inputted and the dial is not connected wherein the time interval between the pressing of the dial buttons indicates the label value, as disclosed at column 3, lines 1-44 and exhibited in figure 2;

sequentially storing a plurality of values corresponding to a plurality of dial key signals in the memory and sequentially storing the time value in the memory when any dial key signal of the device is inputted and the dial device is connected, as disclosed at column 3, lines 1-44 and exhibited in figure 2, further Kim discloses wherein the keyed

inputs, sequence of inputs and the time interval between inputs are stored in memory, as disclosed at column 4, line 16 through column 5, line 3.

Regarding **claim 3**, Kim discloses everything claimed as applied above (see claim 1), in addition Kim discloses wherein the time interval which reads on "label value" is determined based on the dialing sequence of the operator, thus inherently when the operator press dial key in succession spaced by milliseconds the label will be zero.

Regarding **claim 4**, Kim discloses everything claimed as applied above (see claim 1), in addition Kim discloses wherein the time value denotes a time interval between the dialed key signals, as disclosed at column 3, lines 1-44.

Regarding **claim 8**, Kim discloses everything claimed as applied above (see claim 1), in addition Kim discloses checking whether a redial key signal of the dialed device is inputted,

sequentially sending the dial key signals corresponding to the value for dialing when the redial key signal is inputted,

wherein the dial key are delay and not delayed based on the time interval stored in memory, as disclosed at column 4, lines 16 through column 5, line 13.

Regarding **claims 16, 18, 21-23 and 25**, Kim discloses everything claimed, in addition claims 11, 15-17, 21-23 and 25 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 4, and 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 6, 7, 19 and 20*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of well known prior art (MPEP 2144.03).

Regarding **claim 6**, Kim discloses everything claimed as applied above, (see claim 1), however, Kim fails to disclose wherein the dial device is a phone. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the dial device is a phone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim by specifically providing wherein the dial device is a phone, for the purpose of initiating telephonic communication with a second party.

Regarding **claim 7**, Kim discloses everything claimed as applied above, (see claim 1), however, Kim fails to disclose wherein the dial device is a modem. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the dial device is a modem.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kim by specifically providing wherein the dial

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device is a modem, for the purpose of initiating data communication with a second party.

Regarding **claims 19 and 20**, Kim discloses everything claimed, in addition claims 19 and 20 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 6 and 7.

Allowable Subject Matter

3. The indicated allowability of **claims 3, 17 and 18**, of which 17 was canceled in the 10/12/2004 amendment and incorporated into claim 16, the indicated allowability of claims 3, 17 (16) and 18 are withdrawn in view of the Kim reference and the rejection recited above in claims 1 and 3.

4. **Claims 9 and 11-15** are allowed.

5. **Claims 2, 5, and 26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's amendment and arguments filed October 12, 2004, have been fully considered but they are not persuasive. Specifically applicant addition of the limitation "wherein the label value indicates connection status of the dial device" does not provide the connection status. As disclosed in applicant's specification on pages 4 and 6, specifically on page 6, line 23, the value is indicative of time between key strokes. Kim

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discloses storing the time between the key strokes, thus when there is an extended delay (i.e. several seconds) between the key strokes, Kim inherently provides indication of line status.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
February 17, 2005



Jefferey F Harold
Examiner
Art Unit 2644